

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

FILEDUNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOISFEB 28 2019 *lx*THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTJOHN J IZAGUIRRE

Plaintiff(s),

v. ABLE ENGINEERINGDBA CROWN ~~ENERGY~~
ENERGY

Defendant(s).

1:19-cv-01454**Judge John Z. Lee****Magistrate Judge Sunil R. Harjani**COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is JOHN IZAGUIRRE of the
county of COOK in the state of IL.3. The defendant is ABLE ENG SERVICES DBA CROWN ENERGY whose
street address is 150 N WALKER,(city) CHGO (county) COOK (state) IL (ZIP) 60603(Defendant's telephone number) (312) - 442 - 5507

4. The plaintiff sought employment or was employed by the defendant at (street address)

140 S DEARBORN (city) CHICAGO(county) COOK (state) IL (ZIP code) 60601

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5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
 (b) ☒ was hired and is still employed by the defendant.
 (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) 01, (day) 01, (year) 2013

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ has ☐ has not filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) 12 (day) 13 (year) 18.
 (ii) ☒ the Illinois Department of Human Rights, on or about (month) 12 (day) 13 (year) 18.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☐ Yes, ☒ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

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defendant asserting the acts of discrimination indicated in this court complaint.

☒ Yes (month) 2 (day) 17 (year) 17☐ No, did not file Complaint of Employment Discrimination(b) The plaintiff received a Final Agency Decision on (month) N/A
(day) _____ (year) WAS ISSUED RIGHT TO SUE
BUT EXPIRED

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☒ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month) 12 (day) 13 (year) 18 a copy of which
Notice is attached to this complaint.9. The defendant discriminated against the plaintiff because of the plaintiff's [**check only
those that apply**]:(a) ☒ Age (Age Discrimination Employment Act).(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): SUSPENDED for ALLEGED MURDER CONSPIRACY

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13. The facts supporting the plaintiff's claim of discrimination are as follows:

(2) SUSPENSIONS IN 12/17 FOR RETALIATION OF MY COMPLAINT OF NOW STOP RACIAL + PHYSICAL HARASSMENT BY CO-WORKER WHO THREATENED ME OF TRYING TO MURDER HIM.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
 (b) ☐ Direct the defendant to re-employ the plaintiff.
 (c) ☒ Direct the defendant to promote the plaintiff.
 (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
 (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
 (f) ☐ Direct the defendant to (specify): REMOVE SUPERVISOR

SCOTT HULTGREN + ED DOLAN
FROM JOB SITE AS THE ABOVE

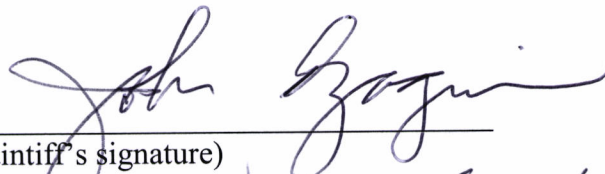
[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

CONSTANTLY HARASSED ME

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☐ Grant such other relief as the Court may find appropriate.


(Plaintiff's signature)

John J Teague
(Plaintiff's name)

9119 26th ST
(Plaintiff's street address)

(City) Brookfield (State) IL (ZIP) 60513

(Plaintiff's telephone number) 708-917-9557

Date: 2/28/19

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: John J. Izaguirre
 9119 26th St
 Brookfield, IL 60513

From: Chicago District Office
 500 West Madison St
 Suite 2000
 Chicago, IL 60661

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2018-07320

Sherice Galloway,
Investigator

(312) 869-8132

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

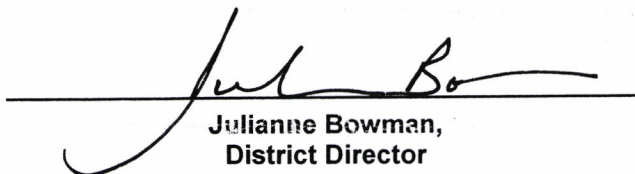
☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


 Julianne Bowman,
 District Director

12/13/18
 (Date Mailed)

Enclosures(s)

cc: ABLE ENGINEERING SERVICES
 c/o Charles L. Thompson, Esq
 Ogletree, Deakins, Nash, Smoak & Stewart P.C.
 One Market Plaza, Ste 1300
 San Francisco, CA 94105

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA AMENDED <input checked="" type="checkbox"/> EEOC 440-2018-07320	
Illinois Department Of Human Rights and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mr. John J. Izaguirre		Home Phone (Incl. Area Code) (708) 917-9589	Date of Birth 1960
Street Address City, State and ZIP Code 9119 26th St, Brookfield, IL 60513			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name ABLE ENGINEERING SERVICES		No. Employees, Members 201 - 500	Phone No. (Include Area Code) (312) 422-5509
Street Address City, State and ZIP Code 140 S. Dearborn, Chicago, IL 60603			
RECEIVED EEOC DEC 12 2018			
Name CHICAGO DISTRICT OFFICE		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-01-2018 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I began working at Respondent in or around September 2013. My current position is Operating Engineer. During my employment, Respondent has not contributed into my pension or health insurance for the approximate period of January 2014 through February 2015. Throughout my employment, I have been subjected to harassment based on my national origin and was subjected to false allegations of criminal conduct with defamation of my character and was suspended twice. I am subjected to different terms and conditions of employment than my white co-workers, including but not limited to, having my time off requests denied or if approval then rescinded by Respondent. I am instructed by management to perform duties outside of my job description at the demand and/or instruction of my white co-worker who is also my harasser. I have complained to Respondent about discrimination to no avail. Recently, I discovered that my social media account was hacked by the harassing employee and Respondent failed to take remedial action. Also, Respondent denied my requests to retire.</p> <p>I believe I have been discriminated against because of my national origin, Mexican, and in retaliation for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
12/12/18 Date		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Charging Party Signature		Signature of Notary	

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): 440-2018-07320 <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Illinois Department Of Human Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Mr. John J. Izaguirre		Home Phone (Incl. Area Code) (708) 917-9589	Date of Birth 1960
Street Address City, State and ZIP Code 9119 26th St, Brookfield, IL 60513			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name ABLE ENGINEERING SERVICES		No. Employees, Members 201 - 500	Phone No. (Include Area Code) (312) 422-5509
Street Address City, State and ZIP Code 140 S. Dearborn, Chicago, IL 60603			
Name 		No. Employees, Members 	Phone No. (Include Area Code)
Street Address City, State and ZIP Code 			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest 02-01-2015 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). <p>I began working at Respondent in or around September 2013. My current position is Operating Engineer. Recently, I discovered that Respondent has not contributed into my pension for the approximate period of January 2014 through February 2015.</p> <p>I believe I have been discriminated against because of my national origin, Mexican, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> <div style="text-align: right; margin-top: 20px;"> RECEIVED EEOC AUG 10 2018 </div>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<div style="text-align: center;"> Aug 10, 2018 _____ Date Charging Party Signature </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

FILING SUIT IN COURT OF COMPETENT JURISDICTION

PRIVATE SUIT RIGHTS

The issuance of this *Notice of Right to Sue* or *Dismissal and Notice of Rights* ends the EEOC process with respect to your Charge. You may file a lawsuit against the Respondent within 90 days from the date you receive this Notice. Therefore, you should keep a record of the date. Once the 90 day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed well in advance of the expiration of the 90 day period.

You may file your lawsuit in a court of competent jurisdiction. Filing this Notice is not sufficient. A court complaint must contain a short Statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the Respondent has its main office.

You may contact the EEOC if you have any questions about your rights, including advice on which court can hear your case, or if you need to inspect and copy information contained in the case file.

IF THE FIRST THREE CHARACTERS OF YOUR EEOC CHARGE NUMBER ARE "21B" AND YOUR CHARGE WAS INVESTIGATED BY THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS (IDHR), REQUEST FOR REVIEWING AND COPYING DOCUMENTS FROM YOUR FILE MUST BE DIRECTED TO IDHR.

A lawsuit against a private employer is generally filed in the U.S. District Court.

A lawsuit under Title VII of the Civil Rights Act of 1964, as amended, against a State agency or a political subdivision of the State is also generally filed in the U.S. District Court.

However, a lawsuit under the Age Discrimination in Employment of the American with Disabilities Act or, probably, the Equal Pay Act against a State instrumentality (an agency directly funded and controlled by the State) can only be filed in a State court.

A lawsuit under the Age Discrimination in Employment Act or the American with Disabilities Act or the Equal Pay Act against a political subdivision of a State, such as municipalities and counties, may be filed in the U.S. District Court.

For a list of the U.S. District Courts, please see the reverse side.

ATTORNEY REPRESENTATION

If you cannot afford an attorney, or have been unable to obtain an attorney to represent you, the court having jurisdiction in your case may assist you in obtaining a lawyer. If you plan to ask the court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the court should be made well in advance of the 90 day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within the 90-day period.

DESTRUCTION OF FILE

If you file suit, you or your attorney should forward a copy of your court complaint to this office. Your file will then be preserved. Unless you have notified us that you have filed suit, your Charge file could be destroyed as early as six months after the date of the Notice of Right to Sue.

IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS RESOLVED.

INFORMATION ON WHERE TO FILE SUIT

You have been notified of your right to sue in Federal District Court. Suit is ordinarily filed in the District having jurisdiction of the county in which the employer, against whom you filed a Charge of employment discrimination, is located. The telephone number listed for each District is that of the Clerk of the Court.

U.S. DISTRICT COURT Northern District of Illinois Eastern Division at Chicago 219 South Dearborn Street Chicago, IL 60604 312-435-5670		U.S. DISTRICT COURT Central District of Illinois Urbana Division 201 South Vine Urbana, IL 61801 217-373-5830	
Counties		Counties	
Cook	Kendall	Champaign	Kankakee
DuPage	Lake	Coles	Macon
Grundy	LaSalle	Douglas	Moultrie
Kane	Will	Edgar	Piatt
		Ford	Vermillion
		Iroquois	
U.S. DISTRICT COURT Northern District of Illinois Western Division at Rockford 211 South Court Street Federal Building Rockford, IL 61101 815-987-4355		Peoria Division 100 N.E. Monroe Street 135 Federal Building Peoria, IL 61602 309-671-7117	
Counties		Counties	
Boone	McHenry	Bureau	McLean
Carroll	Ogle	Fulton	Peoria
DeKalb	Stephenson	Hancock	Putnam
JoDaviess	Whiteside	Knox	Stark
Lee	Winnebago	Livingston	Tazewell
		Marshall	Woodford
		McDonough	
U.S. DISTRICT COURT Southern District of Illinois 750 Missouri Avenue East St. Louis, IL 62201 618-482-0671 <i>and</i> 301 Main Street Benton, IL 62812 618-438-0671		Rock Island Division 211 19 th Street Rock Island, IL 61201 309-793-5778	
Counties		Counties	
Alexander	Johnson	Henderson	Rock Island
Bond	Lawrence	Henry	Warren
Calhoun	Madison	Mercer	
Clark	Marion	Springfield Division 600 East Monroe Street Springfield, IL 62701 217-492-4020	
Clinton	Monroe		
Crawford	Perry		
Cumberland	Pope	Counties	
Edwards	Pulaski		
Effingham	Randolph	Adams	Logan
Fayette	Richland	Brown	Macoupin
Franklin	St. Clair	Cass	Mason
Gallatin	Saline	Christian	Menard
Hamilton	Union	DeWitt	Montgomery
Hardin	Wabash	Green	Morgan
Jackson	Washington	Pike	Schuyler
Jasper	Wayne	Shelby	
Jefferson	White		
Jersey	Williamson		



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison Street, Suite 2000

Chicago, IL 60661

PH: (312) 869-8000

TTY: (312) 869-8001

ENFORCEMENT FAX: (312) 869-8220

STATE & LOCAL FAX: (312) 869-8077

LEGAL FAX: (312) 869-8124

FILE REVIEWS FAX: (312) 869-8220

MEDIATION: (312) 869-8060

HEARINGS FAX: (312) 869-8125

NOTICE OF DISCLOSURE RIGHTS

Parties to an EEOC charge are entitled to review and obtain copies of documents contained in their investigative file. Requests must be made in writing to **Sylvia Bustos** and either mailed to the address above, faxed to **(312) 869-8220** or sent via email to sylvia.bustos@eeoc.gov (please choose only one method, no duplicate requests). **Be sure to include your name, address, phone number and EEOC charge number with your request.**

If you are the Charging Party and a RIGHT TO SUE has been issued, you may be granted access to your file:

- * **Before filing a lawsuit, but within 90 days of your receipt of the Right to Sue, or**
- * **After your lawsuit has been filed.** If more than 90 days have elapsed since your receipt of the Right to Sue, include with your request a copy of the entire court complaint (with court stamped docket number) or enough pages to determine whether it was filed based on the EEOC charge.

If you are the **Respondent** you may be granted access to the file **only after** a lawsuit has been filed. Include with your request a copy of the entire court complaint that includes an official court stamped docket number.

Pursuant to federal statutes, certain documents, such as those which reflect the agency's deliberative process, will not be disclosed to either party.

You must sign an Agreement of Nondisclosure **before** you are granted access to the file, which will be sent to you after receipt of your written request. (Statutes enforced by the EEOC prohibit the agency from making investigative information public.)

The process for access to the file will begin no later than ten (10) days following receipt of your request.

When the file becomes available for review, you will be contacted. You may review the file in our offices and/or request that a copy of the file be sent to you. Files may not be removed from the office.

Your file will be copied by **Aloha Print Group, 60 East Van Buren, Suite 1502, Chicago, IL 60605, (312) 542-1300**. You are responsible for the copying costs and must sign an agreement to pay these costs before the file will be sent to the copy service. Therefore, **it is recommended that you first review your file** to determine what documents, if any, you want copied. EEOC will not review your file or provide a count of the pages contained in it. If you choose not to review your file, it will be sent **in its entirety** to the copy service, **and you will be responsible for the cost.** Payment must be made directly to **Aloha Print Group**, which charges 15 cents per page.